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8 Attorneys for Plaintiff
FACEBOOK, INC.
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 FACEBOOK, INC.,

15 Plaintiffs,

16 v.

17 POWER VENTURES, INC. a Cayman Island
Corporation,; STEVE VACHANI, an
18 individual; DOE 1, d/b/a POWER.COM,
19 DOES 2-25, inclusive,

20 Defendants.
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Case No. 5:08-cv-05780 JW

**DECLARATION OF MORVARID
METANAT IN SUPPORT OF
DEFENDANTS' ADMINISTRATIVE
MOTION FOR SEALING ORDER
PURSUANT TO CIVIL L.R. 79-5(c)**

Courtroom: 9, 19th Floor
Judge: Hon. James Ware

1 I, Morvarid Metanat, declare:

2 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP and
 3 counsel for Plaintiff Facebook, Inc. I make this declaration in support of Facebook's
 4 Administrative Motion for Sealing Order Pursuant to Civil L.R. 79-5(c), in connection with: 1)
 5 portions of the Expert Report of Richard J. Ostiller ("Ostiller Report") attached as Exhibit 25 to
 6 the Declaration of Monte Cooper in Support of Facebook's Supplemental Brief Regarding
 7 Damages and Liability of Defendant Steve Vachani; and 2) portions of Facebook's Supplemental
 8 Brief Regarding Damages and Liability of Defendant Steve Vachani ("Supplemental Brief")
 9 citing to the Ostiller Report. Facebook seeks to File under Seal portions of the Ostiller Report
 10 that make reference or cite to the Declaration of Ryan McGeehan in Support of Facebook's
 11 Motion for Partial Summary Judgment on Count 1 of CAN-SPAM Act ("McGeehan
 12 Declaration") and the Declaration of Joseph Cutler in Support of Facebook's Motions for Partial
 13 Summary Judgment on Count 1 of the CAN-SPAM Act ("Cutler Declaration"). Facebook also
 14 seeks to file under Seal the portions of the Supplemental Brief making reference to the portions of
 15 the Ostiller Report it seeks to file under seal.

16 2. Facebook has designated the McGeehan Declaration as "HIGHLY-
 17 CONFIDENTIAL-ATTORNEYS' EYES ONLY" pursuant to the Parties' Protective Order, dated
 18 February 4, 2011 (Dkt. No. 95). The McGeehan Declaration discusses Facebook's internal
 19 infrastructure in responding to attacks on Facebook's systems and servers, including the security
 20 and privacy-based technical measures implemented by Facebook to prevent such attacks. This
 21 security information is highly sensitive and Facebook may suffer irreparable harm if this
 22 information is not protected from disclosure through public filing. Specifically, public disclosure
 23 of Facebook's technical and security measures implemented to prevent attacks on Facebook
 24 would be potentially informative to third parties who wish to circumvent such measures, putting
 25 Facebook at significant risk for future, pervasive attacks. Facebook requests that the Ostiller
 26 Report and the Supplemental Brief Regarding Damages and Liability of Steve Vachani be
 27 redacted to the extent that they contain citations or references to any portions of the McGeehan
 28 Declaration.

3. Facebook has also designated portions of the Cutler Declaration as “HIGHLY-CONFIDENTIAL-ATTORNEYS’ EYES ONLY” pursuant to the Parties’ Protective Order, dated February 4, 2011 (Dkt. No. 95). These portions discuss Facebook’s confidential and proprietary business information, including specific details related to the investigation the Perkins firm performed for Facebook, including Perkin’s legal fees. Both Facebook and Perkins have a business desire to maintain the confidentiality of the legal fees Facebook incurred, as such information is commercially sensitive. Facebook requests that the Ostiller Report and the Supplemental Brief Regarding Damages and Liability of Steve Vachani be redacted to the extent that they contain citations or references to the sealed portions of the Cutler Declaration.

4. On November 28, 2011, the Court granted Facebook’s Motion to Seal the Declarations of Ryan McGeehan and Joseph Cutler in Support of Facebook’s Motion for Partial Summary Judgment on Count 1, and thus, all excerpts from, and references to, the McGeehan Declaration and the sealed portions of the Cutler Declarations should be filed under seal. *See* Dkt. No. 182.

5. Facebook, therefore, requests that the following be redacted for good cause:

(A) The following portions of the Ostiller Report shall be redacted:

- The monetary figures referenced in Paragraph 13, with the exception of the statutory and aggravated damages amounts.
- The monetary figure referenced in Paragraph 15
- Paragraph 16

(B) The following portions of Facebook’s Supplemental Brief Regarding Damages and Liability of Defendant Steve Vachani be redacted for good cause:

- The monetary figure referenced at page 10, line 2.
- The monetary figure referenced at page 17, line 7.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct.

3 Executed this 30th day of March, 2012 at Menlo Park, California.

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5 /s/ Morvarid Metanat /s/
6 MORVARID METANAT
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